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Lightspeed Media Group, Inc.; National A-1 Advertising, Inc.;
New Destiny Internet Group, LLC, VS Media, Inc.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

(SAN JOSE DIVISION)

ACACIA MEDIA TECHNOLOGIES CORPORATION, Plaintiff, v. NEW DESTINY INTERNET GROUP, et al., Defendants.	Case No. C 05-01114 JW (HRL) **DECLARATION OF TODD G. MILLER IN SUPPORT OF DEFENDANTS' POST-HEARING REPLY BRIEF RE: ACACIA'S MOTION FOR RECONSIDERATION AND CLARIFICATION OF THE JULY 12, 2004 *MARKMAN* ORDER**
AND ALL RELATED AND/OR CONSOLIDATED CASE ACTIONS	

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I Todd G. Miller, do hereby declare and state as follows.

1. I am a principal in the law firm of Fish & Richardson P.C., counsel of record for Defendants and Counterclaimants Ademia Multimedia, LLC, AEBN, Inc.; Audio Communications, Inc.; Club Jenna, Inc.; Cyber Trend, Inc.; Cybernet Ventures, Inc.; ACMP, LLC; Game Link, Inc.; Global AVS, Inc.; Innovative Ideas International; Lightspeed Media Group, Inc.; National A-1 Advertising, Inc.; New Destiny Internet Group, LLC; and VS Media, Inc. ("Defendants").

2. I make this Declaration in support of Defendants' Post-hearing Reply Brief re Acacia's Motion for Reconsideration and Clarification of the July 12, 2004 *Markman* Order. I make this Declaration of my own knowledge, and could and would competently testify as to the matters set forth herein if called upon to do so.

3. Attached to this Declaration as Exhibit J is a true and correct copy of an e-mail sent to counsel for the defendants in this matter by Acacia's counsel, Mr. Block, to which was attached a draft of the Joint Claim Construction Statement. A true and correct copy of that Statement is provided as part of Exhibit J. Page 3 of the Statement accurately recites the New Destiny Defendants' position regarding the "in data communication with" limitation.

4. Attached to this Declaration as Exhibit K is a true and correct copy of an e-mail sent to me on September 20, 2005 by Acacia's counsel, Mr. Block, responding to my e-mail request that we discuss the construction of the "in data communication with" limitation.

I declare under penalty of perjury that the foregoing is true and correct, and that this Declaration was executed this 28th day of September, 2005.

/s/

Todd G. Miller